

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 979 of 2005

Between:

G. Nageswar Rao, S/o. Narasaiah,
Chatakonda Village, Kothagudem Mandal, Khammam District.

..... PETITIONER

AND

- 1 The Sub-Divisional Police Officer, Kothagudem, Khammam District.
- 2 The Station House Officer, Kothagudem II Town Police Station,
Kothagudem, Khammam district.
- 3 Sri K. Harisingh, S/o. Gopa,
Zilla Parishad High School, Chatakonda (V), Kothagudem (M), Khammam
District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in registering F.I.R.No. 121 dt. 06-12-2004 registered on the file of the Station House Officer, Kothagudem II Town Police Station, Kothagudem, Khammam District and consequently quash the F.I.R.No.121 dt. 06-12-2004 registered in Kothagudem II Town Police Station, Kothagudem, Khammam District against the Petitioner and to pass such other order or further orders

Counsel for the Petitioner: MR.SRINIVAS DAMMALAPATI

Counsel for the Respondent Nos.1 & 2: G.P. FOR HOME

Counsel for the Respondent No.3: MR.JOGRAM TEJAVAT

The Court at the stage of admission made the following

ORAL ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Home, appearing on behalf of the first and second respondents and the learned counsel for the third respondent.

2. The writ petition is filed seeking a Mandamus to declare the action of the respondents in registering F.I.R.No.121 of 2004, dated 06-12-2004 on the file of the Station House Officer, Kothagudem II Town Police Station, Kothagudem, Khammam District, as illegal and arbitrary and consequently to quash the same.

3. It is represented by the learned Government Pleader for Home that the investigation process is still going on. However, it is the strong objection taken by the *de facto* complainant-third respondent that the investigation had already been over and several of the persons, who were investigated, deposed against the writ petitioner, whereas the learned counsel for the petitioner submits that there is absolutely no truth in the averments made by the third respondent.

4. All the questions have to be investigated by the investigating agency and since the Government Pleader for Home, upon instructions, states that investigation is still going on it is not desirable to preempt the investigation process.

5. However, having regard to the fact that the petitioner is also working as a teacher and *prima facie*, case is yet to be made out, it is not desirable for the second respondent to effect any arrest of the writ petitioner.

6. It is clarified that the second respondent is at liberty to proceed with the further investigation and it is expected that it would be completed as expeditiously as possible.

7. With the above observation and direction, the writ petition is disposed of, at the stage of admission. No costs.

D.S.R.VARMA, J

23rd March, 2005

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ASSISTANT REGISTRAR

To

- 1 The Sub-Divisional Police Officer, Kothagudem, Khammam District.
- 2 The Station House Officer, Kothagudem II Town Police Station,
Kothagudem, Khammam District.
3. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).
4. Two CD copies
5. One CC to MR.JOGRAM TEJAVAT, learned counsel for R-3